



6859 954

COTC

PTO/SB/21 (09-04)

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/646,057	Certificate MAR 10 2006 of Correction
Filing Date	August 22, 2003	
First Named Inventor	Collins et al.	
Art Unit	3751	
Examiner Name	PHILLIPS, CHARLES E	
Attorney Docket Number	Marquis:Alcove2	

Total Number of Pages in This Submission

### ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form in duplicate	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
<b>see remarks</b>		
Remarks		
<b>REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT FOR PTO MISTAKE (37 CFR § 1.322(a)); Certificate of Correction Form PTO/SB/44 (3 pages) (in duplicate); return receipt postcard</b>		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Law Office of Karen Dana Oster, LLC		
Signature			
Printed name	Karen Dana Oster		
Date	February 28, 2006	Reg. No.	37,621

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Karen Dana Oster	Date	February 28, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL  
For FY 2006** Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

0

**Complete if Known**

Application Number	10/646,057
Filing Date	August 22, 2003
First Named Inventor	Collins et al.
Examiner Name	PHILLIPS, CHARLES E
Art Unit	3751
Attorney Docket No.	Marquis:Alcove2

**METHOD OF PAYMENT** (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: 50-2115 Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

- Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee
- Charge any additional fee(s) or underpayments of fee(s)  Credit any overpayments
- under 37 CFR 1.16 and 1.17

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**FEE CALCULATION** (All the fees below are due upon filing or may be subject to a surcharge.)**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Small Entity	Fee (\$)	Fee (\$)
- 20	= 0	x \$25	= \$0	50	25	

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 3	= 0	x \$100	= \$0	360	180	

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE****4. Other Fees**

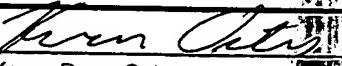
Extension for response within first month (1.17(a)(1))

Fees Paid (\$)

Submission of an Information Disclosure Statement (1.17(p))

Terminal disclaimer fee under 37 CFR 1.20(d)

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	37,621	Telephone	(503) 810-2560
Name (Print/Type)	Karen Dana Oster			Date	February 28, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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MAR 10 2006



THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT APPLICATION EXAMINING OPERATIONS

Applicants: Collins et al.

Group Art Unit: 3751

Serial No.: 10/646,057

Examiner: PHILLIPS, CHARLES E

Filed: August 22, 2003

Docket No: Marquis:Alcove2

Patent No.: 6,859,954

Issued: March 1, 2005

## Title: Alcove Whirlpool Seat Spa System

**REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT FOR  
PTO MISTAKE (37 CFR § 1.322(a))**

Law Office of Karen Dana Oster, LLC  
PMB 1020  
15450 SW Boones Ferry Rd. #9  
Lake Oswego, OR 97035  
February 28, 2006

Certificate of Corrections Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Attached, in duplicate, is PTO/SB/44, with at least one copy being suitable for printing.

The exact page and line number where the errors are shown correctly in the application file are:

Location in Issued Patent	Error & Correction	Location in Prosecution
Column 5, Line 30-45	Should be deleted	This is the "original" paragraph that was deleted by the August 23, 2004 amendment. The replacement (and correct) paragraph appears immediately above this section at Column 5, Lines 13-29 of the issued patent.

Location in Issued Patent	Error & Correction	Location in Prosecution
Column 9, Line 21, (Claim 1(d))	after "positioned" insert -- in said whirlpool area --.	Language from Examiner's October 29, 2004 Amendment not included.
Column 9, Line 24, (Claim 1(e))	delete "whirlpool", insert -- rotating current of water --.	Language from Examiner's October 29, 2004 Amendment not included.
Column 9, Line 68, (Claim 7(b))	"(iii)" should read -- (iv) --.	Language from Examiner's October 29, 2004 Amendment not included.
Column 9, Line 68, (Claim 7(b))	after "positioned" insert -- in said whirlpool area --.	Language from Examiner's October 29, 2004 Amendment not included.
Column 9, Line 69, (Claim 7(b))	delete the first occurrence of "whirlpool", insert -- rotating current of water --.	Language from Examiner's October 29, 2004 Amendment not included.
Column 10, Line 1, (Claim 7(b))	"(iv)" should read -- (v) --.	Language from Examiner's October 29, 2004 Amendment not included.
Column 10, Line 66	Claims 17-20 should be added.	Claims added in the August 23, 2004 amendment were not included in the issued patent.

Applicants would like to direct attention to the fact that claims 17-20 were made as a matter of right. At no time were claims 17-20 withdrawn or cancelled by the applicants or the Examiner. Claim 17 is an independent claim substantially similar to claim 1, but adds claim element "rotating in a substantially circular or oval fashion" to section (e). Claims 18-20 are dependent on claim 17. Applicants respectfully submit that claims 17-20 were mistakenly omitted through no fault of applicants and should be added by this Certificate of Correction.

Patent No.: 6,859,954

Request for Certificate of Correction dated February 28, 2006

Please send the certificate to the attorney of record whose address is:  
Law Office of Karen Dana Oster, LLC, PMB 1020, 15450 SW Boones Ferry Rd. #9,  
Lake Oswego, OR 97035.

Please charge Deposit Account No. 50-2115 for any additional fees which  
may be required.

Respectfully submitted,



Karen Dana Oster  
Reg. No. 37,621  
Of Attorneys of Record  
Tel: (503) 810-2560

RECEIVED FEB 28 2006

**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**

Page 1 of 3

PATENT NO. : 6,859,954

APPLICATION NO.: 10/646,057

ISSUE DATE : March 1, 2005

INVENTOR(S) : Collins et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 5.

Lines 30-45, should be deleted.

Column 9.

Line 21, (Claim 1(d)), after "positioned" insert -- in said whirlpool area --.

Column 9.

Line 24, (Claim 1(e)), delete "whirlpool", insert -- rotating current of water --.

Column 9.

Line 68, (Claim 7(b)), "(iii)" should read -- (iv) --.

Column 9.

Line 68, (Claim 7(b)), after "positioned" insert -- in said whirlpool area --.

Column 9.

Line 69, (Claim 7(b)), delete the first occurrence of "whirlpool", insert -- rotating current of water --.

Column 10.

Line 1, (Claim 7(b)), "(iv)" should read -- (v) --.

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Lake Oswego, Oregon 97035

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MAR 10 2008

**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**

Page 2 of 3

PATENT NO. : 6,859,954

APPLICATION NO.: 10/646,057

ISSUE DATE : March 1, 2005

INVENTOR(S) : Collins et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 10.

Line 66, please insert claims 17-20 as follows:

17. An alcove whirlpool seat for use in a spa system, said alcove whirlpool seat comprising:

- (a) a seat member having a circumference;
- (b) a seat back having arm portions on opposite sides of said seat back, said seat back extending annularly upward from a portion of said circumference of said seat member, said seat back and at least part of said arm portions substantially defining a whirlpool area;
- (c) said arm portions defining an open span;
- (d) at least one jet nozzle positioned to direct a stream within said whirlpool area; and
- (e) said at least one jet nozzle, said seat back, and said arm portions together creating a whirlpool of water rotating in a substantially circular or oval fashion within said whirlpool area.

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**UNITED STATES PATENT AND TRADEMARK OFFICE  
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Page 3 of 3

PATENT NO. : 6,859,954

APPLICATION NO.: 10/646,057

ISSUE DATE : March 1, 2005

INVENTOR(S) : Collins et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 10.

Line 66, (continued)

18. The alcove whirlpool seat of claim 17, wherein said at least one alcove whirlpool seat is a pair of cooperative horseshoe seats, each said horseshoe seat further comprising:

- (a) a first arm portion;
- (b) a second arm portion;
- (c) said second arm portion being substantially a mirror image to said first arm portion.

19. The alcove whirlpool seat of claim 18, said horseshoe seat further comprising said at least one jet nozzle positioned in said interior first arm surface to direct said stream toward said seat back and at least one jet nozzle positioned in said interior second arm surface to direct said stream across said open span and toward said interior first arm surface.

20. The alcove whirlpool seat of claim 17, at least one jet nozzle directing said stream around said seat back and at least one jet nozzle directing said stream across said open span.

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APPLICATION NO.: 10/646,057

ISSUE DATE : March 1, 2005

INVENTOR(S) : Collins et al.

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Column 5,

Lines 30-45, should be deleted.

Column 9,

Line 21, (Claim 1(d)), after "positioned" insert -- in said whirlpool area --.

Column 9,

Line 24, (Claim 1(e)), delete "whirlpool", insert -- rotating current of water --.

Column 9,

Line 68, (Claim 7(b)), "(iii)" should read -- (iv) --.

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Line 68, (Claim 7(b)), after "positioned" insert -- in said whirlpool area --.

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APPLICATION NO.: 10/646,057

ISSUE DATE : March 1, 2005

INVENTOR(S) : Collins et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 10.

Line 66, please insert claims 17-20 as follows:

17. An alcove whirlpool seat for use in a spa system, said alcove whirlpool seat comprising:

- (a) a seat member having a circumference;
- (b) a seat back having arm portions on opposite sides of said seat back, said seat back extending annularly upward from a portion of said circumference of said seat member, said seat back and at least part of said arm portions substantially defining a whirlpool area;
- (c) said arm portions defining an open span;
- (d) at least one jet nozzle positioned to direct a stream within said whirlpool area; and
- (e) said at least one jet nozzle, said seat back, and said arm portions together creating a whirlpool of water rotating in a substantially circular or oval fashion within said whirlpool area.

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Column 10,  
Line 66, (continued)

18. The alcove whirlpool seat of claim 17, wherein said at least one alcove whirlpool seat is a pair of cooperative horseshoe seats, each said horseshoe seat further comprising:

- (a) a first arm portion;
- (b) a second arm portion;
- (c) said second arm portion being substantially a mirror image to said first arm portion.

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